

1 children. We use the airwaves as an informational tool
2 and in this manner we provide the public service that
3 all media outlets should provide. The need for
4 reliable information from local services continues to
5 grow as the demographics of this state and the nation
6 shifts.

7 For the majority of Latinos, English is
8 not our language of preference. So naturally, a
9 Spanish language programming better serves our
10 community. Media is turning into a giant money
11 machine, instead of the people's voice. As the need
12 for reliable information grows, so has the
13 consolidation of the media outlets. This
14 consolidation includes Latino-Spanish language
15 services, such as the purchase of Hispanic Radio by
16 Univision. The Spanish language corporate media
17 offers less information to our communities, less
18 cultural programming, and virtually no local
19 information programming. The corporate Spanish radio
20 industry is increasing a broadcast of its own version
21 of "shock radio", and they broadcast music that
22 glamorizes drugs and violence to increase their

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1 ratings.

2 Unfortunately, in many markets, especially
3 urban California markets, there is no Spanish language
4 public radio service to provide an intelligent
5 alternative for listeners. Simply stated, due to the
6 weakened regulation in the industry, a large segment
7 of the population is being excluded from effective
8 radio service. The current stakeholders who are media
9 conglomerated do not represent or produce programming
10 to address the needs of the growing majority of
11 California and Latinos across the nation.

12 We urge the FCC to look closely at the
13 actual demographics of our state and our nation, and
14 investigate whether or not the current situation
15 provides equal access to linguistic or cultural
16 minorities. After all, aren't these airwaves meant to
17 serve the public? We support the FCC's efforts and
18 policies for increasing local services in low power
19 radio. Thank you for considering my comments.

20 (Applause.)

21 COMMISSIONER ABERNATHY: Thank you, Ms.
22 Saldivar, for your commitment to the Hispanic

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1 community, and also for sharing with us all the
2 information about what's going on. We really
3 appreciate it. And now I'd like to turn to Mr.
4 Robins, who's Emergency Services Manager in Monterey
5 County. Mr. Robins.

6 MR. ROBINS: Thank you very much, and I
7 thank the Commission for inviting me here to speak
8 tonight. I'm going to talk respective of Emergency
9 Services Management. That's something I've dealt with
10 in Monterey County for the last 13 years. That means
11 that we collectively, the media, the Sheriff, the
12 Mayors who were here earlier, and many of the audience
13 have dealt with a variety of major emergencies,
14 several disasters, and a host of minor emergencies in
15 which we've all played a key partnership role.

16 Monterey County is not unique in some
17 respects, but in some it is. Delia just addressed one
18 of my major concerns that I'll touch on later. We
19 have a wide and large growing population. We have
20 varied demographics. We have minority needs that must
21 be addressed, and they must be addressed in Emergency
22 Services Management context. I can neglect no element

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1 of my community. Everybody is important, and I must
2 reach out to everyone.

3 To do this, Monterey County, like other
4 counties in the state, imports standardized emergency
5 management systems. This is mandated by state. It
6 grew out of the Oakland fires of some years ago. We
7 are the lead agency in the operation arena. It is
8 composed of 38 agencies, cities, volunteer agencies,
9 districts, what have you. We handle an emergency
10 situation, originate and coordinate all public
11 information, those releases that go out to our media.

12 In a normal situation day-to-day, I
13 promulgate them usually myself, or one of my staff
14 promulgates them, the Office of Emergency Services.
15 We put a high premium, if you will, on public
16 information. It is vitally essential to our mission.
17 Our goal is accurate, timely promulgation of
18 information to maximize coverage. Our public
19 information officers are formally trained. This has
20 resulted in close coordination with the media
21 frequently on name-to-name basis. We understand the
22 mutual needs of both sides of the house. It is

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1 cooperative.

2 We know what their requirements are. They
3 know what our requirements are. We use a process
4 called the "Emergency Bulletin." It's promulgated to
5 the media and all county entities - fire, law,
6 whatever have you, through fax, through e-mail, and
7 through our website. That's our means of getting the
8 information out.

9 During an actual emergency, we use the
10 emergency alert system. Yes, Monterey County, I'm the
11 guy that interrupts your favorite program, be it game
12 show or soap opera with that ticker tape that comes
13 across. I'm the guy who does that. I use that only
14 in extreme emergencies.

15 Responsiveness, to me, equates to
16 localism, localism in putting out information for
17 disaster information, as well as emergency
18 preparedness. Now if I can quote Mayor Albert,
19 paraphrase Mayor Albert, our relationship with the
20 media here in Monterey County is strong, viable, and
21 mutually supportive. We rely on our local media as
22 part of the overall team and outreach arm, if you

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1 will, of OES, but there is a caveat.

2 One thing that we are finding, I think
3 that my colleagues in the media have addressed this,
4 is that more and more of our local stations are
5 becoming what we call automated. If I have got to get
6 to that audience at 10:30 at night, or 2:00 in the
7 morning which I frequently have done, I'm probably not
8 going to get there, because they're controlled from
9 someplace else, and it's either taped or automated.
10 Okay. Not in all cases, but more and more of that
11 percentage is going up.

12 Now OES has some needs. My needs are very
13 simple. First of all, we need from the media
14 notification of changes. This is what happened to me
15 at the Salinas Air Show last year, and the local
16 people will probably appreciate this. I have one
17 station which is my LP-1, my primary station for the
18 emergency alert system. I walked up to that station's
19 booth at the Salinas Air Show, after the previous week
20 of putting out the information on that station's
21 frequency. There before me were bumper stickers which
22 had changed their frequency.

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1 I felt a little stupid, but there's no
2 mechanism - correction - infrastructure in place to
3 keep the local emergency services management
4 infrastructure informed of changes within the media.
5 Call Station change, licensee change, points of
6 contact changes, even fax changes - there's no way of
7 letting us know. We need more interface with the
8 media, and again this is localism, on PSAs. One of my
9 roles is to promulgate information on preparedness for
10 emergencies, again from terrorism to natural events
11 and back again. I need to get more interface and get
12 my message out on preparedness.

13 I also need to work my, or achieve a
14 greater ability to deal with my ethnic minorities.
15 And the reason for that is, I don't have any Spanish
16 speakers in my organization, but I know that my
17 colleagues in the media have found a way of taking my
18 words, quickly translating them and putting them out.

19 AUDIENCE MEMBER: Hire one.

20 MR. ROBINS: I'll take you as a volunteer.

21 Let me summarize by saying from our standpoint, and
22 I'll stress the word "local." We need to retain

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1 strong local involvement between OES and the media.
2 We need to retain strong local mutual support, and we
3 need to retain strong local responsiveness. The key
4 word is "responsiveness." This equates to
5 professional partnerships to ensure that the public is
6 informed during any emergency situation. Public
7 service is paramount to OES. I thank you very much
8 for having me here tonight.

9 COMMISSIONER ABERNATHY: Thank you very
10 much, Mr. Robins, for the work that you do every day,
11 and for sharing with us a lot of information that
12 frankly we just didn't have before, so I really
13 appreciate your presentation. And last, but certainly
14 not least, Mr. Trumbly, who's President of Community
15 Broadcasters Association.

16 MR. TRUMBLY: Thank you, Commissioner,
17 and thank you, FCC Staff, for putting this together,
18 and Davey D for your great presentation. I think what
19 you said was very important.

20 We are a group of low power TV stations,
21 the Community Broadcasters Association, lower power
22 and Class-A stations. There are over 2,600 of us

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1 stations around the country. We're small stations, 97
2 percent of us are not on cable, and we're typically
3 locally owned and operated. We have about twice as
4 many low power and Class-A stations as there are full
5 power stations.

6 These stations are received over-the-air,
7 just like full power stations on your television set.
8 The only difference is the amount of power that we're
9 allowed by the Commission. Our Class-A stations are
10 required to broadcast three hours a week of locally
11 produced programming, and we're the only service to
12 have this requirement.

13 There are low power and Class-A stations
14 all across the country in every market, from New York
15 City, Los Angeles, San Francisco, to Hopkinsville,
16 Kentucky, Kerville, Texas, and Wynache, Washington.
17 The Univision and Telemundo affiliates in Washington,
18 D.C. are Class-A television stations. These 2,600
19 plus stations represent the broadest spectrum of
20 programming, and the greatest diversity of ownership
21 of any media. There are more individually minority
22 owned and operated LPTV and Class-A stations than all

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1 the other media combined.

2 Just east of here in Fresno, Cocola
3 Broadcasting's KJEO-LP Channel 32 is the only station
4 in the area doing local high school football for the
5 Central Valley. They also do AAA Baseball for the
6 Fresno Grizzlies, and Fresno City College basketball
7 games. Their new business showcase features six new
8 businesses in Fresno per show, at no charge to these
9 businesses. Many of the owners have said that without
10 being on television, their businesses may not have
11 made it.

12 My wife and I operated Class-A stations in
13 San Francisco and San Jose for over 10 years. We've
14 had independent Spanish programming. Much of that we
15 produced ourselves with daily newscasts from San
16 Francisco's Fisherman's Wharf. We've also produced
17 San Francisco 49er pre-season football in Spanish,
18 explaining the game in Spanish. Football means
19 something different in Spanish. We've also produced
20 professional soccer in Spanish. We've also given
21 local air time to, or free air time to local and
22 regional political candidates. And we have one hour a

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1 night of local news in Korean. And we have gotten
2 involved with the local music community. We produced
3 video preview for many years, one hour a night, local
4 music videos, call-in interaction within the
5 community.

6 Full power stations service the DMA. They
7 have a broader audience. Our stations focus on the
8 local community. We're much more specific in our
9 viewers. Mary Silver in Kerville, Texas, with KVHC-LP
10 is an example of localism. They're 70 miles outside
11 of San Antonio, and they're surrounded by hills with
12 very little off-air reception. They serve a community
13 of about 25,000 people. They work with the local
14 school system to produce "Club Ed," a 30-minute
15 educational program. They also telecast local
16 high school football games.

17 Mary told me of a story of an elderly lady
18 who was physically unable to attend the high school
19 football games because she could not climb the steps
20 to get into the stadium. She called the station in
21 tears after seeing her son for the first time playing
22 his trumpet in the high school band during the game.

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1 This is just one of ten locally produced shows each
2 week, including a nightly half-hour newscast for
3 Kerville, Texas. And they are the only local
4 emergency outlet in the community.

5 Mary Silver is committed to her community,
6 so committed that she has refinanced her house twice
7 in order to build the station and to produce local
8 programming, because the community needs the local
9 attention from her local station.

10 Vernon Watson in Pensacola, Florida is
11 another example of a person committed to localism.
12 Vernon is Vice President of the Community Broadcasters
13 Association, the CBA. He's an African American. He's
14 employed full time with the U.S. Navy, but on top of
15 his full time job, Vernon owns and operates WBQP-CA,
16 that's CA for Class-A, Channel 12. He does
17 significant local programming for the African American
18 community in Pensacola.

19 Lou Zenoni is another example. He's the
20 only television station in Trenton, New Jersey's state
21 capital, where he does news. Lou looked at the state
22 capital, that it should have a TV station, and he

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1 saw the need for news where there was a significant
2 need. Lou has also had to make personal financial
3 sacrifices to building WZBM.

4 WZBM was the first station to broadcast a
5 Missing Child Report of 7-year old Megan Cantor.
6 Megan was abducted and murdered by a pedophile
7 neighbor, and Megan, you might recognize the name from
8 Megan's Law.

9 When we talk about localism and what is
10 local, the best definition is an example. I believe
11 these stations and these people provide a very fine
12 definition. And very quickly, there are five things
13 that can help us produce more localism.

14 Number one, encourage Class-A. A kind
15 word from the Commission, from the top on what we're
16 doing is very important. Number two, as we go to DTV,
17 provide a transition method that we can have a second
18 channel and the time and the effort to do this. And
19 number three is, our stations need to move to Class-A.
20 They need an opportunity to do that. And number four,
21 don't let anyone tell you that low power stations are
22 causing problems with DTV. We're secondary, Class-A

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1 and low powers. We're not going to delay any
2 transition. And finally, local programming - we need
3 to get the definition of local so that when we do
4 local interviews at the state capitol, that this could
5 be a local program for our stations.

6 Thank you very much. In conclusion, LP
7 TVs and Class-A stations, they've done a great job
8 over the years. Our goal, our only success, our heart
9 and soul is local. So, Commissioners, thank you so
10 much. I want to work with the staff as much as I can.
11 Thank you.

12 COMMISSIONER ABERNATHY: Thank you, Mr.
13 Trumbly. And I think you gave us a good example of
14 what can be done if you're committed. And he was in
15 last week at the FCC meeting with many of us about
16 what's going on, and we've been paying close
17 attention. So thank you again for coming here
18 tonight. And now we'd like to turn to Commissioner
19 Copps to see if he has any questions for the panel.

20 COMMISSIONER COPPS: No, I think I'll
21 forego any questions so we can get to the public mic.

22 (Applause.)

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1 COMMISSIONER COPPS: I just would like to
2 thank our panelists tonight for I think some of the
3 best and most eloquent statements that we have heard
4 anywhere. I think you have really . . .

5 (Applause.)

6 . . . laid out some of the big policy
7 problems, and also some of the nuts and bolts problems
8 that we need to address, and we thank you for that.
9 The message I'm hearing from most of you is that the
10 public interest is in trouble, and I think we need an
11 affirmative action program for the public interest
12 based on what I've heard.

13 COMMISSIONER ABERNATHY: Commissioner
14 Adelstein.

15 COMMISSIONER ADELSTEIN: I do want to get
16 to the public comments as soon as possible, but I just
17 have to observe that I heard a consistent theme here
18 about localism, and the need for local ownership
19 really, for things to be down, down low. We heard
20 about networks trying to crush local affiliates. We
21 heard about workers getting squeezed and crushed. We
22 heard about good things that can happen with small

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1 broadcasters who take the cities and the communities'
2 interest into their own hands and put local artists
3 on. You hear what happens when somebody tries to
4 speak up and tries to take a stand against it, and
5 gets knocked down and crushed themselves. We hear how
6 the Hispanic communities take it into their own hands
7 to deal with their own needs, and doesn't always get
8 served as well as they need to by the larger
9 community.

10 Emergency broadcasting, which is the most
11 important basic function of broadcasters, if there is
12 any public interest obligation, gets ignored and
13 disrespected. And community broadcasters when they're
14 small and they're community-based, do the best they
15 can to serve their local communities. It's all about
16 local ownership and trying to break it down, having
17 diversity, having a lot of owners. It's a consistent
18 theme here.

19 There's just one thing I want to ask.
20 And, Davey, I know there's something on your mind that
21 you didn't get a chance to say about how do you break
22 out of that cycle? I know there's something more you

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1 had to tell us, and I want to hear it.

2 DAVEY D: The thing with local ownership
3 in contrast to the consolidation that has taken place,
4 this is the things that they don't talk, that goes on
5 behind the scenes. You take, you get people that now
6 start to use their resources to literally bully
7 everybody from advertisers, to community
8 organizations, to local artists.

9 Case in point - up in San Francisco, you
10 now have another radio station that gives competition
11 to the dominant station that's owned by Clear Channel.
12 Now when I talk to the artists, and you heard this in
13 Seattle at the hearing, what has happened is that
14 these artists are afraid to even go do interviews on
15 the new station because they've been threatened with
16 being boycotted from the other 1,200 stations and the
17 concert venues, and all the other resources that are
18 held by Clear Channel stations. So this is what
19 happens.

20 So, now you have people who have an
21 opportunity to maybe expand their business in their
22 reach who are afraid to do so. And the question that

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1 I ask these artists, I go well, look - they're telling
2 you to be committed and loyal to this one outlet under
3 the guise of doing good business. But I asked them -
4 I said have they made a promise not to play any artist
5 from Los Angeles, or any artist from another part of
6 the country? No, they haven't, so they want you not
7 to go anywhere else, but they play artists from all
8 around, and then are very limited and very selective
9 about who they put on.

10 That also translates over to community
11 groups, so God help you if you speak out. Like I
12 said, you've got Media Alliance, you've got Youth
13 Media Council - I can go on and on about the list of
14 people who are very key in organizing and bringing
15 awareness about the issue of media consolidation and
16 the importance of local access.

17 Now that there's competition and now that
18 we have this concern, and media is responding by
19 saying we're going to do local coverage, ask Media
20 Alliance - say when is the last time you all been on
21 any radio station in the Bay, or any TV station.
22 When is the last time that happened? It hasn't

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1 happened. Ask any of the artists who put together
2 that report if they've been on any TV station or
3 even the radio station now that they play a lot of
4 local groups.

5 Now keep in mind some of these people who
6 were part of this have gotten national attention and
7 acclaim for their craft.

8 One guy, he was featured on the front
9 cover of the *Oakland Post*. He was headlining or
10 touring Europe for six weeks, and he was voted by
11 Pepsi to be one of their top artists, but he ain't
12 played on the radio station because he was one of the
13 few to speak out. And it's important to underscore
14 that, because we heard the same thing in Seattle.
15 They pointed out - they said since this consolidation,
16 you don't have the Nirvanas and the Pearl Jams, and
17 all these local groups just blowing up.

18 And you heard the same thing in Detroit,
19 and all these other places. And it's always the same
20 thing. It's not just the thing of sour grapes. It's
21 really a systemic problem that has to be changed. And
22 right now, these big companies, they smile, they paint

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1 the picture, and then they're bullying people behind
2 the scenes. And really it's just insidious what goes
3 on.

4 COMMISSIONER ADELSTEIN: Thank you, Davey.

5 DAVEY D: The last thing I just want to
6 point out too, and I'll leave it at that because I've
7 got to bounce. If you start to look, at least in the
8 urban reign of radio stations, there may be three or
9 four stations in the entire country that have public
10 affair shows that come on at any decent hour. Most of
11 them come on at five in the morning, six in the
12 morning on a Sunday. KMEL, for example, had Jesse
13 Jackson. We have Jesse Jackson advertising, but he's
14 on Sunday mornings at 5 a.m. Go around, check the
15 websites, check the community affairs stations. This
16 might be one of the only markets where you have a
17 prime time public affairs show, but around the
18 country, it's 6 and 7 in the morning, which means that
19 you don't have that sincere commitment to public
20 discourse, because who's up on a Sunday morning at 6.

21 COMMISSIONER ABERNATHY: Those of us with
22 very small children, but other than that, not many

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1 people. I want to just quickly thank all of our
2 panelists. As I said, we are going to stay for and
3 expand the time frame and make sure that we hear from
4 as many of you as possible. I hope you learned as
5 much by letting these folks talk as we did. There's a
6 lot that we need to take back to D.C. It was very,
7 very helpful, so thank you for your patience. We will
8 take a very quick like eight to ten minute break, and
9 then we will be back here. All right? Can we at
10 least go to the bathroom? All right. Like three to
11 four minute break. Okay? And then we'll be back.
12 Thank you.

13 (Brief Recess Taken.)

14 COMMISSIONER ABERNATHY: OK, let's go
15 ahead and start the open mic presentation. You guys
16 have been patient enough. My colleague, Commissioner
17 Adelstein, said he may be a few minutes late, but I
18 don't want to hold anyone up. I want to remind the
19 audience that anyone needing Spanish translation of
20 tonight's proceedings may get a headset in the lobby
21 for that purpose. You can get simultaneous
22 translation. And at this point, what I would like to

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1 do is go ahead and introduce Belva Davis, who will
2 handle the next part of this proceeding as we listen
3 to all of you. (Speaking to audience member) No,
4 first I'm supposed to go . . . yeah, I did that. The
5 Spanish Interpreter is right there.

6 AUDIENCE MEMBER: But say what you said.

7 COMMISSIONER ABERNATHY: I'm sorry. It's
8 2 a.m. - go ahead. Please go ahead and translate for
9 me about the availability of headsets. I apologize.

10 (Spanish translation.)

11 COMMISSIONER ABERNATHY: Okay. Thank you
12 very much. I'd now like to turn the proceeding - now,
13 can I turn over the proceeding over to Ms. Davis? I'd
14 like to turn the proceeding over to Ms. Davis who's
15 going to host the open mic portion, and we're looking
16 forward to hearing from all of you. Thank you for your
17 patience.

18 MS. DAVIS: Thank you, Commissioner
19 Abernathy. We finally get to the star moment. Good
20 evening, everybody, and welcome once again. I'm Belva
21 Davis, as you know, and I have the privilege of
22 appearing weekly at KQED on their program "This Week

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1 in Northern California." I have been asked to
2 moderate this public participation segment of these
3 hearings. I'm honored to do it.

4 During this segment, we will hear from you
5 directly about how broadcasters serve you. The FCC
6 has devoted substantial time to the open mic session
7 because your views are critically important to this
8 whole debate.

9 The format and procedures for the open mic
10 session tonight are as follows, and I will read them
11 so that we can get through it. Upon entering the
12 hearing room, everyone who wished to speak should have
13 drawn an orange card with a group number on it. If
14 you did not do so, and you wish to speak, please speak
15 to the FCC staff at the table just outside the hearing
16 door. They will assist you.

17 There are 10 orange cards associated with
18 each group number. For example, there are 10 orange
19 cards for Group 25 printed on them. Throughout the
20 remainder of the hearing, group numbers will be chosen
21 at random, and displayed on the screens here in the
22 front of the hearing room. When your group number is

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1 displayed, just move to the check-in area at the table
2 in the lobby, just outside the hearing room. This is
3 where the public information packets were made
4 available to you before the hearing.

5 For example, when Group number 25 is
6 displayed on the screen, the ten people holding those
7 cards should proceed to the check-in table in the
8 common area just outside of this room. An FCC staff
9 member will then direct you to a microphone at the
10 appropriate time, and we will alternate between the
11 two mics: mic one and mic two. That's to ensure that
12 there is minimum delay and to maximize the number of
13 people, which is what this is all about.

14 In order to hear from as many people as
15 possible we ask all speakers to limit their remarks to
16 no more than two minutes. We will use the time
17 machine, as you know, to keep track of time in order
18 to maximize the number of people who will have the
19 opportunity to speak. Surely, there may be someone in
20 line that has not said what you had planned to say.

21 We greatly appreciate your cooperation. As
22 a reminder, a yellow light will be displayed when a

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1 speaker has one minute remaining. That's to give you
2 time to gather your thoughts and to have a great
3 close. A red light will be displayed when a speaker's
4 time has expired, and each speaker should then
5 conclude their remarks and leave the microphone. We
6 would remind the speakers who continue after the red
7 light has been displayed that their time has elapsed,
8 and we will move on.

9 Again, the goal behind the time limit is
10 to hear from as many people as possible. I know I can
11 count on each of you to help make this segment run as
12 smoothly as possible, because the whole idea is to
13 hear as many ideas and suggestions as possible.

14 I should note, however, that this open mic
15 session is only one of the ways that you can share
16 your views with the FCC. You can send comments
17 directly to the Localism Task Force by e-mail or
18 regular mail. Therefore, the Localism Task Force
19 invites those who do not have an opportunity to speak
20 or wish to provide more details to their comments, to
21 submit them in writing following the instructions on
22 the Localism Task Force website, WWW.FCC.gov/localism.

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